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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,133	07/12/2006	Kevin Drage	27366U	5483
23409 7590 10/19/2007 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER STORMER, RUSSELL D	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,133

Applicant(s)

DRAGE, KEVIN

Examiner

Russell D. Stormer

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/14/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Drawings

The drawings are objected to because:

In figure 2 the reference characters 25 and 35 are transposed and the lead lines that depend therefrom do not agree with the description of figure 2 in the specification.

Figure 3 must be labeled as "Prior Art" as it shows a conventional wheel rim.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The spelling of the word "tire" should be corrected.

Appropriate correction is required.

Claim Objections

Claims 1 and 7 are objected to because of the following informalities: In line 5 of claim 1, it appears that the word - -the- - should be inserted between "of" and "tire."

In claim 7, it appears that the phrase "having side walls a bead seat on each side wall" should be provided with some punctuation, such as a comma after the term "side walls."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for the spoke nipple in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mitchell.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4, and 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Ricketts.

Mitchell meets all of the limitations of claim 1 as set forth above, and further discloses the rim having side walls and beads seats. The nipples are recessed into the dimples in the rim, but the dimples are not shown to be countersunk.

Ricketts teaches a wheel rim assembly in which the spoke nipples are recessed in a countersunk hole in the rim so that they do not interfere with the tire which is to be mounted on the rim. Note figures 3 and 5.

From this teaching it would have been obvious to modify the dimples of Mitchell to be formed as countersunk holes to fit a particular type of spoke nipple and/or to ensure that the spoke nipples did not extend above the surface of the rim and did not interfere with a seal or other device mounted in or on the rim.

With respect to claim 4, the manner and order in which the rim is formed is given no patentable weight in the product claim. As for welding the ends to form a circular shape, such is notoriously well-known in the art as a suitable method of forming a rim and for the rim of Mitchell to have been formed in this manner would have been obvious to those of ordinary skill in the art. Official Notice is hereby given with respect to this limitation.

Claim 3 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mitchell in view of Stringer.

The hermetic sealing means of claim 1 is not positively recited. Instead, the rim is claimed as being capable of receiving a hermetic sealing means, which is taught by the sealing ribbon 21, 22 of Mitchell. The rim of Mitchell is further capable of receiving a self adhesive tape as set forth in claim 3.

If in claim the hermetic sealing means is intended to be positively recited as part of the spoked wheel assembly, Mitchell meets this limitation, but does not teach a self adhesive tape.

Stringer (cited by Applicant) teaches the use of a self adhesive tape 11 applied to the inner surface of a rim to seal the spoke openings.

From this teaching, it would have been obvious to substitute a self adhesive tape for the plastic ribbon of Mitchell as this would substantially decrease the cost of assembly since a machine to spray or otherwise apply the hot molten plastic material would not have to be used, the tape could be applied by hand, and the tape could be easily removed if necessary.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell.

For the rim to be cast from an alloy of aluminum and/or magnesium would have been obvious as such rims are notoriously well-known and desired to reduce the overall weight of the wheel, or as an aesthetic design feature.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Ricketts and Stringer.

Mitchell discloses a wheel assembly comprising a rim having the usual side walls and beads seats, and dimples in which the spoke nipples are seated in order to not interfere with the sealing means. The method of forming the rim, forming holes, and applying the sealing means is inherently taught by Mitchell inasmuch as the rim has to be formed this way to produce the structure shown and described. The dimples are not shown to be countersunk, and the use of a tape as the sealing means is not expressly disclosed.

Ricketts teaches a wheel rim assembly in which the spoke nipples are recessed in a countersunk hole in the rim so that they do not interfere with the tire which is to be mounted on the rim. Note figures 3 and 5.

Stringer teaches the use of a self adhesive tape 11 applied to the inner surface of a rim to seal the spoke openings.

From the teachings of Ricketts it would have been obvious to modify the dimples of Mitchell to be formed as countersunk holes to fit a particular type of spoke nipple and/or to ensure that the spoke nipples did not extend above the surface of the rim and did not interfere with a seal or other device mounted in or on the rim.

Further, from the teachings of Stringer, it would have been obvious to substitute a self adhesive tape for the plastic ribbon of Mitchell as this would substantially decrease the cost of assembly since a machine to spray or otherwise apply the hot molten plastic material would not have to be used, the tape could be applied by hand, and the tape could be easily removed if necessary.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel rim assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/16/07


RUSSELL D. STORMER
PRIMARY EXAMINER 10/14/07